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Supreme Court, U.S.
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NO. 03-1135

IN THE

Supreme Court of the United States

FERRER, POIROT & WANSBROUGH AND
STEVEN MESTEMACHER,

Petitioners,

v.

BOMBARDIER AEROSPACE EMPLOYEE
WELFARE BENEFITS PLAN,

Respondent.

On Petition For Writ Of Certiorari
To The United States Court Of Appeals
For The Ninth Circuit

RESPONDENT'S RESPONSE TO PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED

1. Whether a claim by an ERISA plan to enforce its contractual reimbursement rights by seeking to impose a constructive trust over specifically-identifiable funds in a plan member's possession or control constitutes proper "equitable" relief under ERISA § 502(a)(3).

PARTIES TO THE PROCEEDINGS BELOW

All parties to the proceedings below are named in the caption.

RULE 29.6 STATEMENT

Respondent Bombardier Aerospace Employee Welfare Benefits Plan has no corporate parents, and no publicly held company owns 10% or more of Respondent's stock.

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RESPONSE TO THE PETITION

Respondent Bombardier respectfully takes no position on the issue of whether the writ should be granted.

Respectfully submitted,

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